

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO.156 OF 2007
IN
WRIT PETITION NO.6755 OF 2004

Shri Saipam Jagirdar Petitioner
Vs.
M/s. Highlands Corporation
& Ors. Respondents

Shri A.R. Khan for the Petitioner.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: NOVEMBER 21, 2007

P.C:

1. Only ground on which the review of the Judgment dated 14-10-2004 is sought for is that the finding arrived at in the said Judgment to the effect that the petitioner had failed to deny the factum of settlement is contrary to the records in as much as that in the course of cross-examination of the petitioner he had specifically denied knowledge of settlement. The learned Advocate for the petitioner, drawing attention to the cross-examination of the petitioner and particularly to para 10 thereof, stated that the averments therein clearly disclose denial of such settlement.

2. Perusal of the testimony of the petitioner, and in particular the cross-examination, nowhere discloses

denial of factum of settlement. What has been denied was receipt of the amount of Rs.5,750/- in terms of the settlement. Receipt of amount is different from the factum of settlement itself. Being so, I do not find any error apparent on the face of the record in the Judgment and Order dated 14-10-2004 and, therefore, there is no scope for review of the said order. As no other ground for the purpose of review of the Judgment dated 14-10-2004 has been disclosed, all other grounds which are sought to be canvassed are in the nature of grounds in appeal and hence on those grounds the question of interference in the order dated 14-10-2004 in review application does not arise. The application is rejected.

(R.M.S.Khandeparkar, J.)

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